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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**

10 FRIENDS OF EAST FORK,

11 Plaintiff,

12 v.

13 J.L. STOREDAHL & SONS, INC.,

14 Defendant.

15
16 **Case No. C02-5035JKA**

17 **ORDER**

18 Pursuant to plaintiffs' motion this court entered an order enforcing consent decree on
19 January 22, 2008. The Order (a) set time lines for the defendant to complete its obligations under
20 the consent decree, and (b) required defendant to file a Status Report with the court and
21 plaintiff regarding its progress in completing its obligations on February 19, 2008 and every 30
22 days thereafter until all the work called for in the Consent Decree is completed.
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24 Following a defense motion for reconsideration (denied) and plaintiffs' request for
25 attorney fees (granted), the court received status reports from the defendants March 13, 2008;
26 March 19, 2008; April 21, 2008; May 19, 2008; June 20, 2008; July 21, 2008; August 18, 2008;
27 and October 15, 2008.

28 Defendants latest status report is self described as it's "final" report inasmuch as it
29 purports to confirm completion of all defendant's obligations under the Consent Decree. Plaintiff
30 seeks permission for a site-visit with their expert to confirm the satisfactory completion of
31 defendants's obligations. Defendant resists the request on the basis that independent confirmation
32

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34 Order - 1

1 has been filed by an independent licensed surveyor retained by Storedahl and by the regional
2 habitat biologist at the Washington State Department of Fisheries.

3 Given the lengthy history of this litigation and the need for finality, the court directs the
4 parties to agree on a date and time for an independent inspection by plaintiff (and plaintiff's
5 expert) within the next 30 days. If the parties cannot agree on a date and time the court will
6 impose the same (with the potential for terms if it appears that one party or the other was
unreasonable in an attempt to reach agreement).

7 No later than December 5, 2008 plaintiff will file with this court one of the following:

8 (a) an acknowledgment that defendant has fully complied with the obligations set forth in
9 the Consent Decree; or alternatively

10 (b) a specific statement as to what deficiencies remain regarding defendants' obligations
under the consent decree.

11 Dated this 23rd day of October, 2008.

13 /s/ J. Kelley Arnold

14 J. Kelley Arnold
U.S. Magistrate Judge